THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.24257 of 2006

Dated:22nd November, 2006

Between:

Gajula Srinivasa Rao.

…..PETITIONER

AND

The Regional Manager,
A.P.S.R.T.C, Guntur, Guntur
District and others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.24257 of 2006

ORDER:

This writ petition is filed assailing the proceedings of the 3rd respondent-Depot Manager, A.P.S.R.T.C, Tenali, in proceedings No.03/114(18)/2003-TNL, dated 12-4-2004 by which the petitioner who is a Driver was imposed a major punishment of deferment of annual increment for a period of one year with cumulative effect, without conducting any enquiry.

The operative portion of the impugned order of the respondent reads thus:

> *"I, therefore, hereby order that your annual increment which next falls due be withheld for a period of one year which shall have effect on your future increments"*

It is the case of the petitioner that he is working as Driver at respondent-Depot and the 3rd respondent issued a charge-sheet dated 14-6-1991 on the allegation that the petitioner has failed to stop the bus even 4 passengers tried to board the bus by hailing their hands thereby caused inconvenience to the public besides tarnished the image of the Corporation, for which the petitioner submitted explanation. It is the further case of the petitioner that proceedings of the 3rd respondent-Depot Manager, A.P.S.R.T.C, Tenali, in proceedings No.03/114(18)/2003-TNL, dated 12-4-2004 imposing punishment of deferment of annual increment with cumulative effect is a major punishment and cannot be imposed without conducting departmental enquiry and such imposition is contrary to law and contrary to the Judgment of the Supreme court in ***Kulwanth Singh Gill v. State of Punjab*** [1], and due to such major punishment the petitioner is facing much financial problems as he is drawing less

salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the respondent without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of one year, with cumulative effect on the basis of the charges leveled against the petitioner which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005 following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab.*** The operative portion of the judgment in W.P.No.23114 of 2005, dated 27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*
>
> *Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."*

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The respondent is directed to treat the impugned order in proceedings No.03/114(18)/2003-TNL, dated 12-4-2004 as the one for stoppage of annual increment, for a period of one year without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

(N.V. RAMANA, J.)

Date:22nd November, 2006.
Grk

[1] 1990 (1) LLJ 635